

\*\*E-filed 9/13/06\*\*

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16 Attorneys for Defendant  
17 JERRY R. JOLLY, Director  
18 California Department of Alcoholic Beverage Control

19 **IN THE UNITED STATES DISTRICT COURT**  
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
21 **SAN JOSE DIVISION**

22 KNIGHTSBRIDGE WINE SHOPPE, LTD., et al.

23 Plaintiffs,

24 v.

25 JERRY R. JOLLY, in his capacity as Director  
26 of the California Department of Alcoholic  
Beverage Control,

27 Defendant.

28 Case No.: 5:06-CV-02890-JF

29 **STIPULATION AND  
[PROPOSED ORDER]  
RE CONTINUANCE OF  
MOTION HEARING DATE**

30 Date: October 20, 2006  
31 Time: 9:00 a.m.  
32 Ctrm: 3  
33 The Honorable Jeremy Fogel

34 By and through their respective attorneys of record, plaintiffs Knightsbridge Wine Shoppe,  
35 Ltd., et al. and defendant David Goss, in his capacity as Acting Director of the California  
36 Department of Alcoholic Beverage Control (defendant Jerry R. Jolly having retired effective as of  
37 September 1, 2006, see Fed. Rules Civ. Procedure, Rule 25(d) [providing for the automatic  
38 substitution as a party of the successor to a public officer sued in an official capacity]) hereby  
39 stipulate and agree as follows:

40 1. The motion hearing date for this case shall be continued from October 20, 2006 at 9:00  
41 a.m. to December 1, 2006, at 9:00 a.m.; and

2. Motions and supporting papers, oppositions, and replies shall be served and filed not less than 35, 21, and 14 days, respectively, preceding this new hearing date (see Civil L. R. 7).

3 GOOD CAUSE exists, as follows, for approval of the scheduling changes sought pursuant to  
4 this stipulation:

5 1. The Court set this case for motion hearing on October 6, 2006 at 9:00 a.m. at the case  
6 management conference held on July 14, 2006 and thereafter continued hearing date to October 20,  
7 2006 pursuant to stipulation of the parties.

8       2. The instant stipulation to reschedule the motion hearing date to December 1, 2006 is sought  
9 in order to allow time for the parties to complete discussions now in progress regarding plaintiffs'  
10 proposed amendment of their complaint by stipulation and to allow the parties to complete certain  
11 limited discovery, all in a manner that will not prejudice defendant.

12 3. The parties do not anticipate any further continuance of the motion hearing date.

13       4. Approval of the proposed change to the current motion schedule will not unduly delay the  
14 resolution of this action and indeed will allow the parties to more properly frame the issues before  
15 this Court.

16 || Dated: September 11, 2006

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**KIRKLAND & ELLIS LLP**

By: /s/ Tracy K. Genesen  
**TRACY K. GENESEN**

Attorneys for Plaintiffs

Dated:September 11, 2006

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Supervising Deputy Attorneys General

By: /s/ Marjorie E. Cox  
MARJORIE E. COX  
Deputy Attorney General

Attorneys for Defendant

1 [PROPOSED] ORDER  
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4 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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6 DATED: September 12, 2006  
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10 HONORABLE JEREMY FOGEL  
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